

A RESOLUTION

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE 03-1456

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS IN THE LAWSUIT STYLED WILLIAM D. TEMPLE, SR. AND LARYSSA TEMPLE V. CITY OF ATLANTA; SUPERIOR COURT OF FULTON COUNTY, GEORGIA; CIVIL ACTION FILE NO. 2002CV57974, IN THE AMOUNT OF \$55,000; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISBURSE THE SETTLEMENT AMOUNT FROM FUND ACCOUNT CENTER NO. 2J01 529017 T31001; AND FOR OTHER PURPOSES.

WHEREAS, the lawsuit ("Lawsuit") styled "William D. Temple, Sr. and Laryssa Temple v. City Of Atlanta; Superior Court Of Fulton County, Georgia; Civil Action File No. 2002cv57974" arises out of a certain sewer infrastructure break that occurred on or in the vicinity of property ("Property") owned by William and Laryssa Temple ("Plaintiffs"), upon which their residence is constructed and within which the City has certain sewer easement rights;

WHEREAS, Plaintiffs alleged in the Lawsuit that the City, when it entered their property to investigate and repair the sewer infrastructure break, caused damage to their property by excavating and modifying the grade of the property, destroying or irreparably damaging trees and other vegetation located on the property, infiltrating a stream located upon the property with soil erosion run-off, and causing numerous other injuries and damages, as more particularly set forth in the Complaint filed by the Plaintiffs in the Lawsuit;

WHEREAS, the City and the Plaintiffs have had numerous meetings and discussions concerning settlement of the Lawsuit and the City's re-access to the Property to effectuate minor repairs to the sewer infrastructure;

WHEREAS, the City and Plaintiffs have reached a tentative settlement of the Lawsuit, as well as an agreement to allow the City to re-access the Property, restore the grade of the property, as near as possible, to its original condition prior to the sewer infrastructure break;

WHEREAS, the tentative settlement also provides for the reforestation of the Plaintiffs' property by an independent landscaping contractor of Plaintiffs' choice, subsequent to the City's completion of its site grading work;

WHEREAS, Plaintiffs have agreed to accept from the City the payment of \$55,000.00 to cover the services of the independent landscaping contractor to reforest the Plaintiffs' Property once the City's site grading work is completed;

WHEREAS, the City Attorney considers it to be desirable and in the best interests of the City to resolve this matter and the Lawsuit and recommends that the City pay the amount of \$55,000.00 to the Plaintiffs to settle all claims of the Plaintiffs against the City arising out of the facts alleged in the Lawsuit;



NOW THEREFORE, IT IS RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

SECTION 1. The City Attorney is authorized to settle the case of William D. Temple, Sr. and Laryssa Temple v. City Of Atlanta; Superior Court Of Fulton County, Georgia; Civil Action File No. 2002cv57974, for the sum of Fifty-Five Thousand Dollars (\$55,000).

SECTION 2. The Chief Financial Officer is authorized to pay the total sum of \$55,000 to William and Laryssa Temple from Account No. 2J01 529017 T31001, in exchange for the Plaintiffs' execution and delivery to the City of a Final Payment and General Release and a filed Notice of Voluntary Dismissal With Prejudice.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

SEP 15, 2003
SEP 23, 2003

RCS# 5027
9/15/03
2:51 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-13, EXCEPT:03-R-1449
03-R-1460, 03-R-1463
ADOPT

YEAS: 10
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 2

NV Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	B Martin	Y Norwood
NV Young	NV Shook	B Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

9-15-03 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSE ON CONSENT
1. 03-O-1347 2. 03-O-1451 3. 03-O-1311 4. 03-O-1443 5. 03-O-1319 6. 03-O-1317 7. 03-O-1441 8. 03-O-1447 9. 03-O-1109 10. 03-O-1329 11. 03-O-1330 12. 03-R-1371 13. 03-R-1372 14. 03-R-1373 15. 03-R-1374 16. 03-R-1437 17. 03-R-1458 18. 03-R-1459 19. 03-R-1383 20. 03-R-1446 21. 03-R-1456 22. 03-R-1316 23. 03-R-1337 24. 03-R-1381 25. 03-R-1382 26. 03-R-1449 27. 03-R-1390 28. 03-R-1392 29. 03-R-1393 30. 03-R-1394 31. 03-R-1395 32. 03-R-1396 33. 03-R-1397 34. 03-R-1398	35. 03-R-1399 36. 03-R-1400 37. 03-R-1401 38. 03-R-1402 39. 03-R-1403 40. 03-R-1404 41. 03-R-1405 42. 03-R-1406 43. 03-R-1407 44. 03-R-1408 45. 03-R-1409 46. 03-R-1410 47. 03-R-1411 48. 03-R-1412 49. 03-R-1413 50. 03-R-1414 51. 03-R-1415 52. 03-R-1416 53. 03-R-1417 54. 03-R-1418 55. 03-R-1419 56. 03-R-1420 57. 03-R-1421 58. 03-R-1422 59. 03-R-1423 60. 03-R-1424 61. 03-R-1425 62. 03-R-1426 63. 03-R-1427 64. 03-R-1428 65. 03-R-1429 66. 03-R-1430 67. 03-R-1431 68. 03-R-1432

Consent I Vote: 10 Yeas; 0Nays: (See RCS #5027) ; 9Yeas; 0Nays: (See RCS #5008)

Items Removed from the Consent Agenda: 03-R-1460; 03-R-1463; Mitchell abstained on 03-R-1449;

(Do **03** with **1456** line)

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Approved by:

ADOPTED BY

SEP 15 2003

COUNCIL

Larry L. Deloach
Deputy City Attorney

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

PSL Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Refer To

Committee

Committee

Date

Date

Chair

Chair

Action

Action

Fav, Adv, Hold (see rev. side)

Fav, Adv, Hold (see rev. side)

Other

Other

Members

Members

Refer To

Refer To

CERTIFIED

FINAL COUNCIL ACTION

- ☐ 2nd
- ☐ 1st & 2nd
- ☐ 3rd
- ☐ Consent
- ☐ V Vote
- ☒ RC Vote

CERTIFIED
SEP 15 2003

ATLANTA CITY COUNCIL PRESIDENT

Larry L. Deloach

CERTIFIED
SEP 15 2003

Rickie L. Deloach
MUNICIPAL CLERK

MAYOR'S ACTION

Shirley Franklin